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Technology Center 2100

Paper No. 5

Silverbrook Research Pty. LTD
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Balmain, New South Wales 2041
AUSTRALIA

In re Application of: Kia Silverbrook et al.)	DECISION ON PETITION TO MAKE
Application No. 09/575,159)	SPECIAL UNDER 37 C.F.R. §1.102(c)
Filed: May 23, 2000)	AND MPEP § 708.02 (V) AND (VI):
For: METHOD AND SYSTEM FOR)	ENVIRONMENTAL QUALITY AND
PROVIDING INFORMATION IN A)	ENERGY
DOCUMENT)	

This is a decision on the petition, filed March 12, 2003 under 37 C.F.R. §1.102(c) and M.P.E.P. §708.02(V): Environmental Quality, and M.P.E.P. §708.02(VI): Energy, to make the above-identified application special.

The Petition is **DISMISSED**.

I. Environmental Quality

A grantable petition under 37 C.F.R. §1.102(c), and M.P.E.P. §708.02, Section V, must be accompanied by the showing that the application is for an invention which will materially enhance the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining natural elements, i.e., air, water, and soil. A petition under M.P.E.P. § 708.02, Section V, should be accompanied by statements under 37 C.F.R. §1.102 by the applicant or assignee or statements by an attorney/agent registered to practice before the Patent and Trademark Office explaining how the invention materially contributes to the restoration or maintenance of one of these life-sustaining elements. No fee for such a petition is required. (See 37 C.F.R. §1.102(c) and M.P.E.P. §708.02(V))

Applicants state that their invention, "a new form of information distribution" will reduce paper use and transportation thus resulting in reduction of carbon emissions and pollution.

The relevant portion of 37 C.F.R. §1.102(c) states: "... or that the invention will materially enhance the quality of the environment". That is, the invention must have a substantial direct impact on the quality of the environment.

Applicant's showing does not establish that the application is for an invention which will materially enhance the quality of the environment of mankind by contributing to the restoration or maintenance

of the basic life-sustaining natural elements, i.e., air, water, and soil. The invention as characterized by applicant is directed to an *information distribution system*. In particular, this application is directed to customizing the content of advertising based on demographics. A byproduct of this system is the possible reduction in the use of paper by substituting web-based advertising for direct mail advertising. Should paper use go down, the environmental and energy costs of paper production and disposal would be reduced. This incidental byproduct is not adequate to meet the requirement of the section cited above.

II. Energy

A grantable petition under 37 C.F.R. §1.102(c), and M.P.E.P. §708.02, Section VI, must be accompanied by the showing that the application is for an invention which will materially contribute to the development or conservation of energy resources. A petition under M.P.E.P. § 708.02, Section V, should be accompanied by statements under 37 C.F.R. §1.102 by the applicant or assignee or statements by an attorney/agent registered to practice before the Patent and Trademark Office explaining how the invention materially contributes to the development or conservation of energy resources. No fee for such a petition is required. (See 37 C.F.R. §1.102(c) and M.P.E.P. §708.02(V))

Applicant's representation of the reduced (per/printed drop) energy consumption of the Memjet™ printing technology as compared to inkjet technology would meet the standard for a grantable petition under this section. However, the claimed invention is directed to a security protocol for authorizing printing of a publication at a printer, not to the printing technology.

Accordingly, the Petition is **DISMISSED**. The application file is being forwarded to Central Files to await examination in its proper turn based on its effective filing date.

If the petitioner desires further review of this Decision, applicant should consider filing a Request for Reconsideration within 2 months of the mailing date of this Decision.



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